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U.S. Department of Justice

United States Attorney Southern District of New York

The Silvio J. Mollo Building One Saint Andrew's Plaza New York, New York 10007

October 5, 2023

BY ECF

The Honorable Loretta A. Preska United States District Judge Southern District of New York 500 Pearl Street New York, NY 10007 The Government's request for an extension of time is granted. The Government shall respond by October 27, 2023.

SO ORDERED.

Lacetta a. Presida

Re: United States v. Larry Fernandez, 06 Cr. 484-5 (LAP)

Dear Judge Preska:

The defendant in the above-captioned case has submitted a letter characterized as a "formal motion for a *Nunc Pro Tunc* designation to a State Correctional Facility." Dkt. 234. The Court ordered the Government to respond to the defendant's request by September 15, 2023. Dkt. 235. The Court thereafter granted the Government's request for a three-week extension in order to gather additional information in aid of its response, and reset the response deadline to October 6, 2023. Dkt. 240.

Since the Court's last order, the Government has corresponded with the Bureau of Prisons ("BOP") about this matter. The Government understands that the BOP intends to submit correspondence to the Court next week about the defendant's request for a *nunc pro tunc* designation. In view of this anticipated correspondence, and the likelihood that it will provide information or raise issues to which the Court may seek the Government's response, the Government respectfully requests a three-week extension of its response deadline to October 27, 2023.

Very truly yours,

DAMIAN WILLIAMS United States Attorney

by: /s/ Justin Horton Assistant United States Attorney (212) 637-2276